



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, OCTOBER 29, 2014

Members present: Fran L'Heureux, Patrick Dwyer, Phil Straight, Tony Pellegrino, Richard Conescu, and Alternate Leonard Worster.

Staff present: Community Development Director Tim Thompson and Recording Secretary Zina Jordan.

1. Call to Order.

Fran L'Heureux called the meeting to order at 7:00 p.m.

2. Roll Call.

Richard Conescu led the pledge of allegiance. Tony Pellegrino read the preamble and swore in members of the public who would be testifying.

- 3. College Bound Movers (petitioner) and Benjamin M. Bosowski, Jeffrey L. Clegg, Jessica L. Clegg, Jacob J. Mitchell and Ethan L. Mitchell (owners)** – Request for Re-hearing regarding Case # 2014-40, in which the Board voted to deny a variance under Section 2.02.1.A of the Zoning Ordinance to permit parking for employees, customer vehicles and temporary mobile storage units located in the I-1 (Industrial), R (Residential) and Aquifer Conservation Districts and Wellhead Protection Area at 22 Continental Boulevard. Tax Map 3C, Lot 085. Case # 2014-47.

The Board voted 4-1-0 to grant the Re-hearing, on a motion made by Tony Pellegrino and seconded by Phil Straight. Richard Conescu voted in the negative.

- 4. Robert T. Bevill (petitioner)** – Appeal of an Administrative Decision seeking to overturn the Community Development Department Staff decision to classify a fire arms service, maintenance, transfers and assembly business as being eligible for a Home Occupation, which allowed the Planning Board's approval of such a business located at 11 Blair Road in the R (Residential) and Aquifer Conservation Districts. Tax Map 6C, Lot 170. Case # 2014-42.

This item was discussed after agenda item #8.

Testimony was received from: Robert Bevill, 12 Blair Road.

Public comment was received from: David Preysnar, 15 Blair Road; Carol Babel, 6 Brenda Lane; and Michael Maliar, 11 Blair Road.

The Board voted 4-1-0 to deny the Appeal, on a motion made by Phil Straight and seconded by Richard Conescu. Patrick Dwyer voted in the negative.

- 5. Donald Turner (petitioner/owner)** – Variance under Section 3.05 of the Zoning Ordinance to permit a 26'x40' garage and workshop within 23.1 feet of the front property line whereas 30 feet is required and within 15.2 feet of the rear property line whereas 40 feet is required. The

parcel is located at 5 John Lane in the R (Residential) and Aquifer Conservation Districts. Tax Map 4C, Lot 265. Case # 2014-43.

Applicant was represented by: Donald Turner, 6 John Lane.

There was no public comment.

The Board voted 5-0-0 to grant the Variance, on a motion made by Richard Conescu and seconded by Patrick Dwyer.

- 6. Hatfield, Kathleen & Carlyle and Richard & Christine (petitioners/owners)** – Variance under Section 3.02 of the Zoning Ordinance to permit a lot size of less than 100,000 square feet for two lots in the R-1 (Residential) District located at 11 Autumn Lane and 46 Greenwood Road. Tax Map 6A-1, Lots 069 & 070. Case # 2014-44.

Agenda items #6, 7 and 8 were considered simultaneously.

Applicant was represented by: Steve Keach and Kate Basso, Keach-Nordstrom Associates, Inc.

Public comment was received from: Tony Augello, 33 Greenwood Road; and by e-mail from Susan and Bruce Sheridan, 15 Autumn Lane.

The Board voted 5-0-0 to grant the Variance, with one condition, on a motion made by Patrick Dwyer and seconded by Tony Pellegrino.

- 7. Hatfield, Kathleen & Carlyle and Richard & Christine (petitioners/owners)** – Variance under Section 3.02 of the Zoning Ordinance to permit frontage of less than 250 feet for two lots in the R-1 (Residential) District located at 11 Autumn Lane and 46 Greenwood Road. Tax Map 6A-1, Lots 069 & 070. Case # 2014-45.

The Board voted 5-0-0 to grant the Variance, with one condition, on a motion made by Patrick Dwyer and seconded by Tony Pellegrino.

- 8. Hatfield, Kathleen & Carlyle and Richard & Christine (petitioners/owners)** – Variance under Section 3.02 of the Zoning Ordinance to permit a building addition as close as 49.4 feet from the rear property boundary where as 60 feet is required in the R-1 (Residential) District located at 46 Greenwood Road. Tax Map 6A-1, Lots 070. Case # 2014-46.

The Board voted 5-0-0 to grant the Variance, with conditions, on a motion made by Patrick Dwyer and seconded by Tony Pellegrino.

- 9. Discussion/possible action regarding other items of concern.**

Discussion only.

- 10. Approval of Minutes – September 17, 2014.**

The Board voted 5-0-0 to approve the minutes of September 17, 2014, on a motion made by Patrick Dwyer and seconded by Tony Pellegrino.

- 11. Adjourn.**

The meeting adjourned at 9:00 p.m., by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.